

**IVINS CITY
PLANNING COMMISSION
MINUTES
July 19, 2016
435-628-0606**

1) WELCOME AND CALL TO ORDER

CHAIRMAN AND COMMISSIONERS: The meeting was called to order at 05:30 p.m. All present included Commissioner Adel Murphy, Commissioner Bryan Pack, Commissioner Mike Scott, and Commissioner Lance Anderson.

Staff Attending: Dale Coulam-City Manager/Attorney, Kevin Rudd-Building and Zoning Administrator, Sharon Allen-Deputy City Recorder.

Audience Attending: Matt Morgan, Larry Johnson, Don Matthews, Boma Johnson, Charles Hammon, Joshua Nichols, Ed and Allhea Haworth, Creed Jones, Brandee Walker, as well as others that did not sign in.

A. [Acknowledgement of Quorum](#)

B. **Flag Salute-Commissioner Mike Scott**

C. **Invocation-Commissioner Bryan Pack**

D. [Disclosures -None.](#)

2) REPORTS AND PRESENTATIONS-None

3) BUSINESS LICENSES -None

4) PUBLIC HEARING AND ACTION ITEMS

A. [Public Hearing on a proposed Land Use Amendment from Medium Density Residential to High Density Residential for property located on southwest corner of 100 West Center Street. Episcopal Diocese of Utah-Owner. RDM Land and Development, LLC/Don Matthews-Applicant.](#)

Kevin Rudd stated the location was just off Center Street. It consists of three old township lots that are one parcel now and just under two acres. This property is currently Medium Density Residential. Ivins City has three designations on the Land Use Plan; Low, Medium and High Density Residential. This property is currently zoned RE-12.5 which most of the old township is. They are requesting to change to High Density Residential and if approved, they will apply for the new Townhouse zone which we are currently creating. **Commissioner Adel Murphy** opened the Public Hearing. Boma Johnson stated he had given the Planning Commission a written letter. He lives on the northwest corner from the proposed development. He and his wife have differences of opinion, but she has a hard time leaving the house. Her complaint is simple. She wants a view. The development will be ten feet from his boundary. They will look at the back of a building instead of a sunrise. He would request a 20 foot gap so that there is extra distance. Also the property line is not on the ground as it should be. Two different owner changes since we bought property in 1998. Neither had a marker or monument. A survey showed that it is 3 feet off, west of where it should be but up until now it has never been a concern. Matt Morgan has been talking with him about what they might do. His concern is that the City of Ivins and the developer could come claim a new boundary and move in on his home 3 feet. There is a very narrow front gate at the property line. We would lose 3 feet and lose access to the travel trailer. His second issue is the vegetation. They have privacy shrubbery and a pecan tree that is 18" from the property line to the trunk of the tree. It has been there forever and it is huge. What will

1 happen to that tree to move the property line and the branches that will hang over? Creed Jones
2 inquired on the difference between Medium Density and High Density. **Kevin Rudd** stated lot
3 sizes within Medium Density is 7,500, 10,000 and 12,500 square foot lots. High Density
4 Residential has 5,000 square foot lot, 6,000 duplex zone and Multi-Family, which is based on the
5 amount of open space, setbacks, etc. They start at 10-11 units per acre as a base density. Hearing
6 no other comments, **Commissioner Adel Murphy** closed the Public Hearing.

**B. Discuss and consider recommendation of a proposed Land Use Amendment from
Medium Density Residential to High Density Residential for property located on
southwest corner of 100 West Center Street. Episcopal Diocese of Utah-Owner. RDM
Land and Development, LLC/Don Matthews-Applicant.**

7 **Dale Coulam** stated that the issues that Mr. Johnson raised were private property issues and the
8 issue tonight is density. The next Public Hearing will be about creating a Townhouse zone, and
9 then City Council will decide whether that will be a zoning district option. It is already allowed,
10 but it breaks Multi-Family down a bit. The height limit for Single Family and this proposal are
11 the same so either way it is the exact same height. **Commissioner Mike Scott** stated that
12 concerning the boundary and the tree issue, no matter what the property is zoned, Mr. Johnson is
13 faced with those same issues. **Commissioner Adel Murphy** inquired on the property where
14 townhomes currently are and what is their density. **Kevin Rudd** stated that there will be 11-12
15 units per acre. **Commissioner Bryan Pack** stated that this is where we want high density
16 property to be. The last applicant was denied because the other properties were not high density.
17 The question is, is this a proper spot for high density. He doesn't really like the idea of spot-
18 zoning for specific applications and prefers to go through and identify where those uses need to
19 be and create policy. In general he is in favor of some high density. He asked if the City felt there
20 is a need for high density. **Kevin Rudd** stated absolutely. **Commissioner Lance Anderson**
21 stated we need to create policy for both sides to let people enjoy where they live. **Commissioner**
22 **Adel Murphy** stated we need to decide what we want to put there because if we say high density
23 it could be an apartment. If they bring it in and it is zoned that way, we cannot say no.
24 **Commissioner Bryan Pack** stated his understanding is that once the density is set, we decide
25 what goes in. We anticipate only allowing townhomes and what we envision there.
26 **Commissioner Lance Anderson** stated that townhomes are just lineal apartments. **Dale**
27 **Coulam** stated that they are entitled to one zone in that use designation, but that is for the City
28 Council and the Planning Commission to decide. With a Conditional Use Permit you have even
29 more say how that is developed. You have already passed design guidelines. The developer is
30 not required at this stage to show a layout. The Planning Commission does have control on the
31 zoning if you go High Density Residential. There is no law against spot-zoning. Any property
32 owner can come in and request their use or their zone be changed. The question is if this is the
33 right area for this type of use. **Commissioner Bryan Pack** stated he is in favor of changing it,
34 but he would like us to create areas to help guide future decisions. **Commissioner Mike**
35 **Scott** stated we look to the Land Use Plan and it gives direction for the future. We need to be
36 very careful in changing the Land Use Plan. He is in favor of this, but he was concerned about
37 the properties directly south of property owners. Those properties seem to have large backyards
38 that adjoin and the impact won't be as severe. He thinks it is an appropriate location for it. We
39 are not just wedging this in to the middle of a block. **Commissioner Adel Murphy** stated she is
40 okay with the Land Use Plan, she just doesn't want to see apartments in there. She can see that it
41 is a good spot for townhomes. To the east is the same type of housing. **Commissioner Lance**
42 **Anderson** stated for Mr. Johnson the bamboo screen has been around for 40 years. The only

1 thing is it is on Center street and he doesn't care for that. **Commissioner Adel Murphy** stated
2 that if the zoning stays the way it is, it could still be 25 feet buildings in there and the setbacks
3 don't change. There could be some open space areas as well.

4 **MOTION: Commissioner Bryan Pack moved to approve recommendation of a proposed**
5 **Land Use Amendment from Medium Density Residential to High Density Residential for**
6 **property located on southwest corner of 100 West Center Street. Episcopal Diocese of**
7 **Utah-Owner. RDM Land and Development, LLC/Don Matthews-Applicant.**

8 **SECOND: Commissioner Mike Scott**

9 **VOTE: The motion carried.**

Commissioner Adel Murphy	AYE
Commissioner Bryan Pack	AYE
Commissioner Mike Scott	AYE
Commissioner Lance Anderson	AYE

10 **C. Public Hearing on a proposed Zoning Text Amendment to add new Townhouse Zoning**
11 **District.**

12 **Kevin Rudd** stated there will be several areas in Chapter 6 in the multi-family district where we
13 will be adding multiple residential townhouse verbiage. That is the only thing that would be
14 allowed within that zone. In the definitions, townhome is defined as a single family dwelling unit
15 constructed in groups of three or more, attached unit extends to foundation to the roof with a
16 yard and a public way on at least two sides. Traditionally, a yard in front and in back and the
17 property owners own the property underneath it. He was thinking that to regulate these units, we
18 would use Chapter 18 density and design guidelines. **Commissioner Lance Anderson** inquired
19 if they will require garages? **Kevin Rudd** stated currently it is two parking spots, one open and
20 one covered. If we did require a two car garage, there is a density loss and it increases the cost so
21 affordability gets taken out. **Commissioner Lance Anderson** stated it sets them apart from
22 apartments. **Commissioner Adel Murphy** inquired if the intent is to have lower cost
23 housing? **Kevin Rudd** stated that High Density Residential, with the cost of property in Southern
24 Utah, is to help put more units on smaller lots and build smaller units. They do have a conceptual
25 plan, and they are going with a nice project. **Commissioner Adel Murphy** opened up the Public
26 Hearing. Charles Hammon stated he is with Excel Design Associates, the designer for RDM in
27 their application. He stated it was difficult to place this product in the City of Ivins. The
28 challenge was to go to Multi-family to take on a higher density than what they wanted to do. It is
29 important to put these in your Land Use Plan. Affordability is important to Southern Utah and
30 the garages are nice amenity but they are a little bit more expensive. Brandee Walker stated that
31 when Encanto came through, it was a high-end product and it has no garages. She would caution
the Planning Commission about making it a requirement. **Commissioner Adel Murphy** closed
the Public Hearing.

32 **D. Discuss and consider recommendation on a proposed Zoning Text Amendment to add**
33 **new Townhouse Zoning District.**

34 **Commissioner Lance Anderson** stated that he is for garages. In some areas it would be easier to
35 come in with a nice project that had garages and in other areas in the middle of town, garages
36 may not be necessary. **Kevin Rudd** stated if you add the two-car garage requirement, it would
37 make it higher-end in this zone. **Commissioner Bryan Pack** stated then we run the risk of
38 townhomes or apartments with or without garages if we give them multi-family. **Commissioner**
Lance Anderson stated that an apartment and townhome complex will look
identical. **Commissioner Bryan Pack** stated so you want to add garages to this townhome zone.

1 If they don't want it, then they go multi-family and the design guidelines will protect that. **Kevin**
2 **Rudd** stated that 26 units townhomes with garages would be around 36 units without, so part of
3 the difference is because two-car garages takes up the room and makes a lower
4 density. **Commissioner Lance Anderson** stated he feels comfortable 26 units with garages
5 because it is on Center Street, so it is not so dense. Somewhere else they can pick apartments or
6 townhomes. **Commissioner Bryan Pack** stated that if they do multi-family they can do
7 apartments. **Commissioner Lance Anderson** stated that stairs would be the only
8 difference. **Commissioner Bryan Pack** stated he likes the garage requirement to lower the
9 density. **Kevin Rudd** stated we would just refer back to our garage requirement of a minimum
10 400 square feet. **Commissioner Lance Anderson** stated so anyone can take a multi-family zone
11 and put in apartments or townhomes there. **Dale Coulam** stated this would allow townhomes to
12 happen, but it would lower the density and create a more expensive product. **Commissioner**
13 **Adel Murphy** inquired about allowing different sizes of garages for flexibility. **Dale**
14 **Coulam** stated that the definition could say a minimum of one-car garage and then the developer
15 can decide whether the development has one or two car garages. **Kevin Rudd** stated we would
16 come up with a measurement, but it sounds reasonable to him. It makes a townhome a high-end
17 zone, but one-car garages will help affordability. **Commissioner Mike Scott** stated it still is very
18 affordable and if they need more then they go to multi-family zone and skip the
19 garages. **Commissioner Lance Anderson** stated if we approve multi-family we know it will be
20 apartments and people around them will also know that.

21 **MOTION: Commissioner Bryan Pack moved to approve recommendation on a proposed**
22 **Zoning Text Amendment to add new Townhouse Zoning District, with the addition that it**
23 **require a one-car garage.**

24 **SECOND: Commissioner Mike Scott**

25 **VOTE: The motion carried.**

Commissioner Adel Murphy	AYE
Commissioner Bryan Pack	AYE
Commissioner Mike Scott	AYE
Commissioner Lance Anderson	AYE

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. [Discuss and consider approval of Final Plat with Subdivision Enhancement Overlay \(SEO\) for Shadow Canyons of Ivins Phase 3. Located at approximately 500 South Main Street. Gary Nelson-Applicant. Saddleback Land Development Inc. Owner.](#)

26 **Kevin Rudd** stated that TRC has reviewed this project and it complies with the preliminary plan.
27 Staff brings it forward for approval.

28 **MOTION: Commissioner Bryan Pack moved to approve Final Plat with Subdivision**
29 **Enhancement Overlay (SEO) for Shadow Canyons of Ivins Phase 3. Located at**
30 **approximately 500 South Main Street. Gary Nelson-Applicant. Saddleback Land**
31 **Development Inc. Owner.**

32 **SECOND: Commissioner Mike Scott**

33 **VOTE: The motion carried.**

Commissioner Adel Murphy	AYE
Commissioner Bryan Pack	AYE
Commissioner Mike Scott	AYE
Commissioner Lance Anderson	AYE

B. Discuss and consider approval of the Ivins City Planning Commission minutes for June 28, 2016.

MOTION: Commissioner Bryan Pack moved to approve the Ivins City Planning Commission minutes for June 28, 2016.

SECOND: Commissioner Mike Scott

VOTE: The motion carried.

Commissioner Adel Murphy	AYE
Commissioner Bryan Pack	AYE
Commissioner Mike Scott	AYE
Commissioner Lance Anderson	AYE

6) REPORTS

A. Planning Commission

B. Chairman

C. Building & Zoning Administrator, Kevin Rudd

Kevin Rudd stated that next meeting's agenda item will be identifying overall vacant areas that multi-family zoning would be appropriate. We can start working on that. **Commissioner Bryan Pack** inquired if there are any studies that show how much we need? The University is coming in and affordable housing is needed, but there is a balance there. We want to keep the lower density that people like. **Kevin Rudd** stated we have an opportunity in the old township to gather some of those vacant lots and preserve them and get some little pockets of multi-family zoning. **Commissioner Lance Anderson** stated that streets and setbacks are the issue. We need to look at the fire code restrictions so we can end up with a better product. We need to figure out how to build a smaller home in there that is affordable. **Kevin Rudd** stated that Lance is talking about doing infill development in the old township and create lots behind these homes. **Dale Coulam** stated that there was a study done when we hired an outside consultant for the City Center/Commercial area and they made recommendations citywide. Their suggestion was to increase densities throughout City. Most recently there is a study that is part of our General Plan; that is the moderate income housing plan. It recognizes the need for more affordable housing and Color Country no longer exists to help provide that. We have an obligation to provide more moderate income housing. That does not mean low-income, but younger families are leaving Ivins City and we would like to try to keep some of those families here that currently can't afford to live here. The General Plan doesn't specify where in the City these should go, and it is up to the Planning Commission and the City Council to decide. That is why sometimes it involves one or two parcels or sometimes it may be an entire area. The City Council backed away from the suggestions of the outside consultant because sometimes the suggestions from third party consultants just don't fit. The moderate income housing plan was prepared by FCAOG. They are local and understand the issues better. **Commissioner Lance Anderson** stated that Desert Rose was one of those areas that was up in arms and it is a beautiful development. It is a mindset. Maybe we can get with Chuck Gillette and Nick Hallman for a fire and engineering standpoint.

D. City Attorney, Dale Coulam

E. Items to be placed on future agendas

7) ADJOURNMENT

MOTION: Commissioner Lance Anderson moved to approve ADJOURNMENT

SECOND: Commissioner Mike Scott

VOTE: The motion carried.

Commissioner Adel Murphy	AYE
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Commissioner Bryan Pack	AYE
Commissioner Mike Scott	AYE
Commissioner Lance Anderson	AYE

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